

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

HOWARD BROWN

CIVIL DOCKET NO.: 3:22-cv-00264

VERSUS

JUDGE DICK

CITY OF CENTRAL, ET AL.

MAGISTRATE BOURGEOIS

MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)

NOW INTO COURT, through undersigned counsel, comes NOAH MCKNEELY, in his official capacity as a former Officer for the City of Central Police Department, sought to be made a defendant in the above captioned matter, who pursuant to Fed. R. Civ. Proc. 12(b)(6), moves for dismissal of plaintiff's suit for failure to state a claim upon which relief can be granted. Plaintiff seeks to recover damages for injuries he allegedly suffered. Plaintiff's claims against the defendant are frivolous as he fails to state a claim upon which relief may be granted as the matter is prescribed on its face.

WHEREFORE, defendant, NOAH MCKNEELY, in his official capacity as a former Officer for the City of Central Police Department, prays that this Motion be set for hearing in accordance with the attached Order, and that the Court thereafter grant the requested relief of dismissal of plaintiff's suit against the defendant with prejudice and at his costs. Defendant further prays for all general and equitable relief as may be afforded by the premises.

Respectfully submitted,

/s/ J. Scott Thomas

J. Scott Thomas (La. Bar Roll No. 22635)
700 North 10th Street, Suite 440 (70802)
Post Office Box 4327
Baton Rouge, Louisiana 70821
Telephone: (225) 344-5001
Facsimile: (225) 336-5277

Email: sthomas@lma.org

***Attorney for Noah McKneely in his official
capacity as a former Officer for the City of
Central Police Department***

CERTIFICATE

I hereby certify that on this 11th day of August, 2022, a copy of the above and foregoing motion was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to plaintiff and any counsel of record by operation of the court's electronic filing system as well as U.S. mail at their given address which is listed as follows:

Howard Gary Brown
1344 Lakeridge Drive
Baton Rouge, Louisiana 70802

/s/ J. Scott Thomas
J. Scott Thomas (La. Bar Roll No. 22635)